

# HOUSE . . . . . No. 811

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia and others relative to the impoundment of vehicles following arrests for driving while under the influence. The Judiciary.

## The Commonwealth of Massachusetts

### PETITION OF:

Angelo M. Scaccia  
Robert Consalvo  
Steven A. Baddour

Michael W. Morrissey  
Alicia Gardner

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO THE IMPOUNDMENT OF VEHICLES FOLLOWING ARRESTS FOR DRIVING WHILE UNDER THE INFLUENCE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 24C of Chapter 90 of the General Laws is hereby  
2 amended by striking out section 24C and inserting in place thereof  
3 the following new section:—

4 Section 24C. Impoundment of motor vehicle of driver arrested  
5 for operation under the influence; written statement of potential,  
6 civil, criminal liability for permitting and arrested intoxicated dri-  
7 ver's further operation of a motor vehicle.

8 Any vehicle operated by a person arrested for a violation of  
9 subparagraph (1) of paragraph (a) of section twenty-four or  
10 section twenty-four L shall be removed and impounded as pro-  
11 vided by the provisions of this section, section sixty-nine L of  
12 chapter one hundred and eleven and section two C of chapter  
13 eighty-five and any rule or regulation adopted thereunder, for a  
14 period not less than twelve hours from the time of such arrest.

15 Whenever a person is summoned by or on behalf of a person  
16 who has been arrested for a violation of subparagraph (1) of para-  
17 graph (a) of section twenty-four or section twenty-four L, in order  
18 to transport or accompany the arrested person from the premises

19 of a law enforcement agency, the law enforcement agency shall  
20 provide that person with a written statement advising him of his  
21 potential criminal and civil liability for permitting or facilitating  
22 the arrested person's operation of motor vehicle while the arrested  
23 person remains intoxicated. The person to whom the statement is  
24 issued shall acknowledge, in writing, receipt of the statement, or  
25 the law enforcement agency shall record the fact that the written  
26 statement was provided, but that the person refused to sign an  
27 acknowledgement.

28 The Attorney General shall establish the content and the form  
29 of the written statement and acknowledgement to be used by law  
30 enforcement agencies throughout the Commonwealth and my  
31 issue directives to ensure the uniform implementation of this act.